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In re Application of  
William P. Newton, Robert M. Lucci, and  
Thomas F. Batten  
Application No. 08/839,161  
Filed: April 22, 1997  
Title: **SUPPORT SYSTEM FOR  
LATERALLY REMOVABLE SASH**

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**MAR 12 2002**

**OFFICE OF PETITIONS**  
**DECISION ON PETITION**

This is a decision on the petition filed on January 17, 2002, pursuant to 37 C.F.R. §1.137(b)<sup>1</sup>, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned as a result of petitioner's failure to file a complete and proper appeal brief within the time period provided in 37 CFR 1.192(c). On November 19, 1999, a final Office action was mailed. On February 18, 2000, a Notice of Appeal was received in the Office. On April 17, 2000, the accompanying Appeal Brief was received. On June 12, 2000, a Notification of Non-Compliance with 37 CFR 1.192(c) was mailed, which granted a one (1) month period for compliance. On June 23, 2000, a letter was received traversing the Examiner's assertion that the Appeal Brief was defective, and requesting that the Notification of Non-Compliance be withdrawn. On July 12, 2000, a letter was mailed to petitioner, indicating the Appeal Brief was still considered to be defective, and that the time period for reply continued to run. On July 26, 2000, a petition was filed with the Technology Center to withdraw the Notification of Non-Compliance of the Appeal Brief. The decision denying this request for reconsideration was mailed on March 14, 2001. Therefore, as a

<sup>1</sup> A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

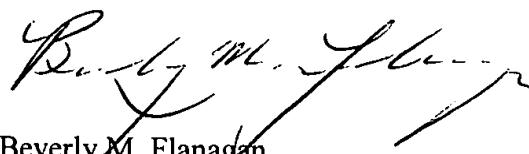
- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

complete and proper appeal brief was not filed within the one (1) month of the Notification of Non-Compliance with 37 CFR 1.192(c) mailed June 12, 2000, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated<sup>2</sup>. As no claim was allowed, the-above-identified application became abandoned on July 13, 2000<sup>3</sup>. On March 21, 2001, a Notice of Abandonment was mailed.

With the instant petition, the petitioner has met the requirements to revive the above-identified application, pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply in the form of the filing of an Appeal Brief<sup>4</sup>, the payment of the petition fee, and has made the proper statement of unintentional delay.

The application file is being forwarded to Technology Center 3600 for further processing of the Appeal Brief filed concurrently with the instant petition.

Telephone inquiries concerning this decision should be directed to Petitions Attorney Paul Shanoski at (703) 305-0011.



Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy



Paul Shanoski  
Petitions Attorney  
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2 See 37 CFR 1.192(d), 1.197(c).

3 See MPEP 1215.04.

4 This Appeal Brief has been considered by the Examiner, and has been found to be in compliance with 37 CFR 1.192(c).